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(kee)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT CLEVELAND

IN RE:

Tiffeney Lason Dennis

Debtor

Case No. 09-12228

Chapter 7

Judge Randolph Baxter

MOTION OF MERRILL LYNCH
MORTGAGE LENDING, INC. BY AND
THROUGH WILSHIRE CREDIT CORP.
ITS SERVICER FOR RELIEF FROM
STAY AND ABANDONMENT (PROPERTY
ADDRESS: 24645 RUSHMORE DRIVE
RICHMOND HEIGHTS, OH 44143)

Merrill Lynch Mortgage Lending, Inc. by and through Wilshire Credit Corp. its servicer (the "Movant") moves this Court, under §§ 361, 362, 363, 554 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007 and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code and for abandonment of property under § 554 of the Bankruptcy Code. In support of this Motion, the Movant states:

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. §

157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

2. On June 26, 2006, the Debtor listed above (collectively, the "Debtor") obtained a loan from **Ownit Mortgage Solutions, Inc., A California Corporation** in the amount of \$280,000.00. Such loan was evidenced by a promissory note dated June 26, 2006 (the "Note"), a copy of which is attached as Exhibit "A".

3. To secure payment of the Note and performance of the other terms contained in it, the Debtors executed a Mortgage dated June 26, 2006 (the "Security Agreement"). The Security Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the Debtor, located at 24645 Rushmore Drive Richmond Heights, OH 44143, and more fully described in the Security Agreement.

4. The lien created by the Security Agreement was duly perfected by the filing of the Security Agreement in the Office of the Cuyahoga County Recorder on July 5, 2006. A copy of the Security Agreement is attached to this motion as Exhibit "B". The lien is the 1st lien on the Collateral.

5. The Note and Security Agreement were transferred as follows:

The Note was endorsed in blank. See Exhibit A. The Mortgage was transferred from Mortgage Electronic Registration Systems, Inc as nominee for Ownit Mortgage Solutions, Inc. to Merrill Lynch Mortgage Lending, Inc. as evidenced by the assignment recorded on October 1, 2007 as evidenced by the document attached hereto as Exhibit "C".

6. The value of the Collateral is \$295,500.00. This valuation is based on Cuyahoga County Auditor.

7. As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$335,921.90 plus interest accruing thereon at the rate of 9.000% per annum (\$68.98 per day) from March 26, 2009.

8. Other parties known to have an interest in the Collateral are: Cuyahoga County Treasurer by virtue of real estate taxes, upon which the amount due is approximately \$335,921.90.

9. The Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reasons:

Debtor has failed to provide adequate protection for the lien held by the Movant for the reasons set forth below.

This case is a Chapter 7 wherein debtor is in default for payment on the mortgage loan and there is no equity for the benefit of the estate.

10. Movant has completed the worksheet attached as Exhibit "D".

11. This Motion conforms to the standard form adopted in this District except as follows: See Paragraphs 5 and 9.

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

/s/ Steven H. Patterson
Steven H. Patterson
OH Sup. Ct. Reg. No. 0073452
(513) 241-3100 ext. 3373

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay and Abandonment of the secured creditor, Merrill Lynch Mortgage Lending, Inc. by and through Wilshire Credit Corp. its servicer, was electronically transmitted on or about the 25th day of March, 2009 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

Robert F Maruster, Esq.
2939 S. Bay Dr. #G1
Westlake, OH 44145
slopokel38@sbcglobal.net

Sheldon Stein, Trustee
50 Public Square, Ste. 400
Post Office Box 5606
Cleveland, OH 44101
sstein@epiqtrustee.com

Office of the U.S. Trustee
Howard Metzenbaum, U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114
(Registered address)@usdoj.gov

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay and Abandonment of the secured creditor, Merrill Lynch Mortgage Lending, Inc. by and through Wilshire Credit Corp. its servicer, was transmitted on or about the 25th day of March, 2009 via regular U.S. mail, postage pre-paid:

Tiffeney Lason Dennis
24645 Rushmore Drive
Richmond Heights, OH 44143

Cuyahoga County Treasurer
Jim Rokakis
1219 Ontario St.
Cleveland, OH 44113

/s/ Steven H. Patterson
Steven H. Patterson
OH Sup. Ct. Reg. No. 0073452
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